

Remarks

Claims 1-8, 10-18, 20-23, and 25-27 are pending. Claims 1-8, 10-18, 20-23, and 25-27 are rejected. Applicants respectfully traverse the rejection and request allowance of claims 1-8, 10-18, 20-23, and 25-27.

Applicants requested and conducted a telephone interview with Examiner Young on March 9, 2004. In the telephone interview, Claim 1 was discussed, primarily the claim element "disabling fast-forward capability when the selected video advertising is displayed." Applicants' position was that the inference put forth in the Office Action dated December 10, 2003, comprises a double inference, *i.e.*, the Office Action not only infers a fast-forwarding capability into Rangan, but the Office Action further infers disabling a fast-forward capability during display of a selected video advertising. Rangan does not recite disabling a fast-forwarding capability or disabling a fast-forwarding capability during display of a selected video advertising. Examiner Young's position was that through permissible hindsight, a fast-forward disabling capability could be inferred into Rangan. Examiner Young cited a portion of col. 13, lines 10-12, which states: "Overt commercials are those that appear unless the SUV makes some effort, such as 'fast-forward' or branch on link, to avoid them." No agreement was reached during the telephone interview. A telephone interview summary has been separately submitted. A copy of the interview summary is enclosed.

Claims 1-8, 10-18, 20-23, and 25-27 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,948,061 (Merriman et al.) in view of U.S. Patent 6,357,042 (Srinivasan et al.) and U.S. Patent 6,006,265 (Rangan et al.).

Claims 1, 12, and 22 require disabling fast-forward capability when the selected video advertising is displayed.

The Office Action properly acknowledges that neither Merriman nor Srinivasan teach or suggest disabling a fast-forward capability when the selected video advertising is displayed.

The Office Action asserts that Rangan suggests the disabling. This is incorrect. Rangan only teaches that users fast-forward through overt commercials (see col. 13, lines

10-13) and that a VCR appliance can include a fast-forward function (see col. 26, lines 37-39). The ability to fast-forward through commercials is distinctly different from the ability to disable this feature. Thus, the ability to disable fast-forwarding is not obvious from the ability to fast-forward.

In addition, the inference of the disabling of video advertising is a double inference. First, the Office Action infers the disabling of a fast-forward capability when Rangan does not disclose any disabling capability. Second, the Office Action infers a disabling during display of a selected video advertising. The second inference is necessary for the obviousness rejection. The second inference cannot stand without the first inference.

Independent claims 1, 12, and 22 therefore include features that are neither taught nor suggested by any of the cited references. Claims 2-8, 10-11, 13-18, 20-21, 23, and 25-27 depend from claims 1, 12, and 22, and are patentable for at least the reasons given above.

Applicants submit that there are numerous additional reasons in support of patentability, but that such reasons are moot in light of the above remarks and are omitted in the interests of brevity. Applicants respectfully request allowance of claims 1-8, 10-18, 20-23, and 25-27.

Please feel free to call me to discuss the patentability of the pending claims.

Date: 3/9/04


SIGNATURE OF PRACTITIONER

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Enclosure